

REFERENCE TITLE: **chiropractic board; fees**

State of Arizona  
House of Representatives  
Forty-ninth Legislature  
First Regular Session  
2009

# **HB 2201**

Introduced by  
Representatives McLain, Barto

AN ACT

AMENDING SECTIONS 32-921, 32-922, 32-922.01, 32-922.02 AND 32-923, ARIZONA REVISED STATUTES; RELATING TO THE STATE BOARD OF CHIROPRACTIC EXAMINERS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:  
2       Section 1. Section 32-921, Arizona Revised Statutes, is amended to  
3 read:

4           32-921. Application for license; qualifications of applicant;  
5           fee; background investigations

6       A. A person who wishes to practice chiropractic in this state shall  
7 submit a complete application to the board at least forty-five days before  
8 the next scheduled examinations on a form and in the manner prescribed by the  
9 board.

10      B. To be eligible for an examination and licensure, the applicant  
11 shall:

12       1. Be a person of good character and reputation.

13       2. Be a graduate of a chiropractic college that both:

14           (a) Is accredited by or has status with the council on chiropractic  
15 education or is accredited by an accrediting agency recognized by the United  
16 States department of education or the council on postsecondary accreditation  
17 or has the equivalent of these standards as determined by the board.

18           (b) Teaches a resident course of four years of not less than nine  
19 months each year, or the equivalent of thirty-six months of continuous study,  
20 and that comprises not less than four thousand credit hours of resident study  
21 required to receive a degree of doctor of chiropractic (D.C.).

22       3. Be physically and mentally able to practice chiropractic skillfully  
23 and safely.

24       4. Have a certificate of attainment for part I and part II and a score  
25 of three hundred seventy-five or more on part III of the examination  
26 conducted by the national board of chiropractic examiners.

27       C. The board may refuse to give an examination or may deny licensure  
28 to an applicant who:

29           1. Fails to qualify for an examination or licensure under subsection B  
30 of this section.

31           2. Has had a license to practice chiropractic refused, revoked,  
32 suspended or restricted by a regulatory board in this or any other  
33 jurisdiction for any act that constitutes unprofessional conduct pursuant to  
34 this chapter.

35           3. Is currently under investigation by a regulatory board in this or  
36 any other jurisdiction for an act that constitutes unprofessional conduct  
37 pursuant to this chapter.

38           4. Has surrendered a license to practice chiropractic in lieu of  
39 disciplinary action by a regulatory board in this or any other jurisdiction  
40 for an act that constitutes unprofessional conduct pursuant to this chapter.

41           5. Has been convicted of criminal conduct that constitutes grounds for  
42 disciplinary action pursuant to section 32-924 or board rules.

43       D. On making application, the applicant shall pay to the executive  
44 director of the board a nonrefundable fee ~~of two hundred fifty dollars~~

1       PRESCRIBED BY THE BOARD BY RULE. The board shall keep a register of all  
2 applicants and the result of each examination.

3       E. In order to determine an applicant's eligibility for examination  
4 and licensure, the board may require the applicant to submit a full set of  
5 fingerprints to the board. The board shall submit the fingerprints to the  
6 department of public safety for the purpose of obtaining a state and federal  
7 criminal records check pursuant to section 41-1750 and Public Law 92-544.  
8 The department of public safety may exchange this fingerprint data with the  
9 federal bureau of investigation. The board shall charge each applicant a fee  
10 that is necessary to cover the cost of the investigation. The board shall  
11 forward this fee to the department of public safety.

12      Sec. 2. Section 32-922, Arizona Revised Statutes, is amended to read:  
13           32-922. Examinations

14      A. The examination for a license to practice chiropractic required of  
15 applicants shall be conducted at a time and place designated by the board at  
16 least semiannually. Each applicant to be examined shall first file a  
17 completed application found to be true and correct and shall be given at  
18 least twenty days' written notice of the time and place of the examination.

19      B. The examination shall be in English, practical in character and  
20 designed to include subjects that are necessary to ascertain the applicant's  
21 knowledge of and fitness to practice chiropractic safely and skillfully as  
22 authorized in this state. Examinations shall include material relating to  
23 chiropractors and Arizona jurisprudence and the following subjects as taught  
24 by accredited chiropractic colleges:

25           1. Anatomy.  
26           2. Physiology.  
27           3. Pathology.  
28           4. Bacteriology.  
29           5. Symptomatology.  
30           6. Diagnosis, including physical, clinical, x-ray and laboratory  
31 subjects.

32           7. Chiropractic orthopedics.  
33           8. Principles of chiropractic and adjusting.  
34           9. Neurology.  
35           10. Chemistry, including biochemistry and nutrition.  
36           11. Public health and hygiene.  
37           12. Chiropractic spinal analysis.

38      C. The board may waive examination in those subjects that the  
39 applicant passed previously with the percentage of correct answers prescribed  
40 in subsection D of this section in an examination conducted by the national  
41 board of chiropractic examiners.

42      D. The board shall grant a license to an applicant who meets all of  
43 the following requirements:

1       1. Correctly answers at least seventy-five per cent of all questions  
2 asked on the subjects identified in subsection B of this section or attains a  
3 board approved passing score on all questions asked on the subjects  
4 identified in subsection B of this section in an examination administered by  
5 a board approved testing facility.

6       2. Correctly answers at least seventy-five per cent of the questions  
7 on jurisprudence.

8       3. Meets all other licensing requirements of this chapter.  
9       4. Pays the original license fee ~~of one hundred dollars~~ PRESCRIBED BY  
10 THE BOARD BY RULE.

11      E. An applicant who fails the examination for the first time may  
12 retake the examination within one year if the applicant submits an updated  
13 application that meets the requirements of section 32-921.

14      F. An applicant shall reapply for licensure if the applicant does not  
15 pay the original license fee within one year after having been notified by  
16 the board that the applicant is eligible to receive a license.

17      Sec. 3. Section 32-922.01, Arizona Revised Statutes, is amended to  
18 read:

19       32-922.01. Reciprocity; requirements  
20      A. The board shall issue a license to practice chiropractic under this  
21 section to an applicant who meets the following requirements:

22       1. Holds a current license to practice chiropractic issued after  
23 examination by a licensing board in another state or country in which, in the  
24 opinion of the board, the licensing requirements are at least substantially  
25 equivalent to those of this state and the other state or country grants  
26 similar reciprocal privileges to chiropractors licensed in this state.

27       2. Receives a grade of at least seventy-five per cent on the Arizona  
28 jurisprudence examination.

29       3. Pays the original license fee ~~of one hundred dollars~~ PRESCRIBED BY  
30 THE BOARD BY RULE.

31      B. The applicant shall pay the application fee prescribed by section  
32 32-921 and present proof satisfactory to the board that:

33       1. A license issued by any other state has not been sanctioned for any  
34 cause that is a basis of a sanction imposed by the board pursuant to this  
35 chapter, except for failure to pay fees.

36       2. The applicant has not previously failed to pass the examination in  
37 this state.

38       3. The applicant has been engaged in the practice of chiropractic  
39 continuously for not less than three of the five years immediately preceding  
40 the application.

41      Sec. 4. Section 32-922.02, Arizona Revised Statutes, is amended to  
42 read:

43       32-922.02. Specialties; certification; fees  
44      A. In order to practice a chiropractic specialty a licensee shall be  
45 certified in that specialty by the board.

1       B. An applicant who wishes to be certified to perform acupuncture  
2 shall submit the following to the board:

3           1. Documentation of successful completion of a minimum of one hundred  
4 hours of study in acupuncture at an accredited chiropractic college or  
5 postgraduate study with an instructor on the active or postgraduate staff of  
6 an accredited chiropractic college.

7           2. A complete application as prescribed by the board.

8           3. Documentation of having passed a board approved acupuncture  
9 examination.

10          C. An applicant who wishes to be certified to perform physiotherapy  
11 shall submit the following to the board:

12           1. A complete application as prescribed by the board.

13           2. Documentation of successful completion of a minimum of one hundred  
14 twenty hours of study in physiotherapy at an accredited chiropractic college  
15 or postgraduate study with an instructor on the active or postgraduate staff  
16 of an accredited chiropractic college.

17           3. Documentation of having passed an examination in physiotherapy that  
18 is approved by the board.

19          D. The board shall issue a certificate to any applicant who meets the  
20 requirements of this section, who correctly answers at least seventy-five per  
21 cent of all questions asked on the specialty examination and who pays a  
22 certificate fee ~~of one hundred dollars~~ PRESCRIBED BY THE BOARD BY RULE.

23          E. On making application, the applicant shall pay to the executive  
24 director of the board a nonrefundable fee ~~of one hundred dollars~~ PRESCRIBED  
25 BY THE BOARD BY RULE. The board shall keep a register of all applicants and  
26 the result of each examination.

27          Sec. 5. Section 32-923, Arizona Revised Statutes, is amended to read:

28           32-923. Change of address; annual renewal fee; failure to  
29 renew; waivers; reinstatement

30          A. Every person licensed pursuant to this chapter shall notify the  
31 board in writing of any change in residence or office address and telephone  
32 number within thirty days after that change. The board shall impose a  
33 penalty of fifty dollars on a licensee who does not notify the board as  
34 required by this subsection.

35          B. Except as provided in section 32-4301, every person licensed to  
36 practice chiropractic in this state shall annually make a renewal application  
37 to the board before January 1 after original issuance of a license and shall  
38 pay a renewal license fee prescribed by the board ~~of not more than one~~  
39 ~~hundred seventy dollars~~ BY RULE. The renewal application shall be made on a  
40 form and in a manner prescribed by the board. At least thirty days before  
41 the renewal application and renewal fee are due, the board shall send by  
42 first class mail a renewal application and notice requiring license renewal  
43 and payment of the renewal fee.

1       C. The board shall automatically suspend a license if the licensee  
2 does not submit a complete application for renewal and pay the renewal  
3 license fee as required by this section.

4       D. The board may reinstate a license if the person completes an  
5 application for reinstatement as prescribed by the board, complies with the  
6 continuing education requirements for each year that the license was  
7 suspended, pays the annual renewal license fee for each year that the license  
8 was suspended and pays an additional fee ~~of one hundred dollars~~ PRESCRIBED BY  
9 THE BOARD BY RULE. An applicant who does not request reinstatement within  
10 two years of the date of suspension shall apply for a license as a new  
11 candidate pursuant to section 32-921 or 32-922.01.

12     E. The board may waive the annual renewal license fee if a licensee  
13 presents evidence satisfactory to the board that the licensee has permanently  
14 retired from the practice of chiropractic and has paid all fees required by  
15 this chapter before the waiver.

16     F. During the period of waiver the retired licensee shall not engage  
17 in the practice of chiropractic. A violation of this subsection subjects the  
18 retired licensee to the same penalties as are imposed in this chapter on a  
19 person who practices chiropractic without a license.

20     G. The board may reinstate a retired licensee to active practice on  
21 payment of the annual renewal license fee AND AN ADDITIONAL LATE FEE  
22 PRESCRIBED BY THE BOARD BY RULE and presentation of evidence satisfactory to  
23 the board that the retired licensee is professionally able to engage in the  
24 practice of chiropractic and still possesses the professional knowledge  
25 required. After a hearing, the board may refuse to reinstate a retired  
26 licensee to active practice under this subsection on any of the grounds  
27 prescribed in section 32-924.

28     H. AN INACTIVE LICENSEE WHO APPLIES FOR REINSTATEMENT OF A LICENSE TO  
29 ACTIVE STATUS SHALL PAY A REINSTATEMENT FEE PRESCRIBED BY THE BOARD BY RULE  
30 IN ADDITION TO ANY OTHER APPLICABLE FEE.

31     Sec. 6. Exemption from rule making

32     To adopt fees as required by this act, the state board of chiropractic  
33 examiners is exempt from the rule making requirements of title 41, chapter 6,  
34 Arizona Revised Statutes, for one year after the effective date of this act.

35     Sec. 7. Emergency

36     This act is an emergency measure that is necessary to preserve the  
37 public peace, health or safety and is operative immediately as provided by  
38 law.